



\$~84

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CM(M) 2713/2024**

GURCHARAN SINGH

..... Petitioner

Through: Ms. Jaswant Mann and Mr. Ahmad
Pravez, Advs.

versus

SDM-BURARI, NCT OF DELHI AND ORS. Respondents

Through: Mr. Anupam Srivastava, ASC with
Mr. Vasuh Misra, Advs. for R-1.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

29.05.2024

%

CM APPL. 33087/2024—Exp.

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2713/2024

3. The present petition has been filed under Article 227 of the Constitution of India to impugn the order dated 04.03.2024 passed by learned ADJ-03, North District, Rohini Courts, Delhi in Misc. No. 326/2024 titled as Gurcharan Singh vs. Naveen Bansal & Anr. whereby the application moved on behalf of the petitioner seeking refund of court fees was dismissed.

4. Learned counsel for the petitioner submits that vide order dated 24.09.2022, the suit was returned under Order VII Rule 10 Code of Civil



Procedure, 1908 (“CPC”).

5. Issue notice.

6. Mr. Anupam Srivastava, learned counsel for respondent no. 1 appears on advance notice and accepts notice and submits that he is appearing on behalf of SDM, Burari, who is not a necessary party in the present petition before this Court.

7. Submissions heard. Impugned order perused.

8. Learned Trial Court has taken up the application moved on behalf of the petitioner under Section 151 of the CPC on 04.03.2024 for refund of court fees and without assigning any reason, a cryptic and casual order has been passed just by mentioning that the application stands dismissed.

9. Order dated 04.03.2024 is set aside. Case is remanded back to learned Trial Court to hear the arguments afresh on the application and to pass a speaking order for disposal of the application.

10. Application be taken up for hearing on 03.07.2024 by the learned Trial Court and to dispose it of within three days.

11. With above observations, the present petition stands disposed of.

SHALINDER KAUR, J

MAY 29, 2024/ss